

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JERRY WAYNE AVERY, JR.,)
Petitioner,)
v.) 1:13CV551
UNITED STATES OF AMERICA,) 1:07CR302-1
Respondent.)

ORDER

On September 21, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. Petitioner filed objections [Doc. #45] to the Recommendation within the time limit prescribed by Section 636. The Court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation [Doc. #43], which is affirmed and adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion to vacate, set aside or correct sentence [Doc. #34] is DENIED, and this action is DISMISSED, and that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This, the 2nd day of November, 2015.

Jesse A. Beatty
United States District Judge